



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,818	06/28/2000	Jay S. Walker	00-001	5370

22927 7590 09/22/2006

WALKER DIGITAL  
2 HIGH RIDGE PARK  
STAMFORD, CT 06905

EXAMINER
----------

FADOK, MARK A

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

### **Reply Brief Noted**

The reply brief filed 8/15/2006 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

### **Examiner Remarks to Reply Brief**

The examiner has carefully considered appellant's remarks in the reply brief filed 8/15/2006 and provides the following comments:

**II. Appellant's invention:** Appellant remarks that the examiner has unduly limited appellant's invention. After review of this comment in the Examiner's answer, the examiner withdraws these remarks as being immaterial to the patentability issue at hand.

### **III Improper Official Notice/ Personal Knowledge:**

Appellant has misconstrued the examiner's comment and goes on to infer that the office is at fault for the 3 years of prosecution. The examiner notes that appellant has cited no obvious error in the timeliness of the examiner's responses to the appellant's filings and notes that this is not an appealable issue. In regards to appellant's misinterpretation of the examiners use of Official Notice the examiner notes

that the appellant states that they did not have knowledge of what MLS systems were capable of in 1990, stated emphatically that Lough's "comparable sales" means properties that were not as yet sold. The examiner attempted to educate the appellant by clarifying how the MLS system worked with the experience gleaned from having been involved in the real-estate industry. The examiner understands the appellant's difficulty in ascertaining whether the information is personal experience or Official Notice since the statement was for clarification purposes and not as something that the examiner was taking Official Notice.

To further resolve this issue of whether the term "comparables" as used in Lough contain properties that are already sold; the examiner offers the Appellant the following definition from **BARRONS Real Estate Guides, Dictionary of Real Estate Terms, second edition, 1987**. It is further noted that applicant's specification does not define this term, therefore the examiner offers the ordinary meaning of the term resolved in its broadest reasonable interpretation.

**COMPARABLES: Properties that is similar to the one being sold or appraised. See market approach.**

**Example: a subject property in a detached, 3-bedroom house that is 30 years and will be bought with an FHA loan. Comparables would be recently sold houses with similar styling age location and financing. Slight variations in characteristics may be taken into account when making the analysis.**

Based on this definition and its use in Lough, Lough clearly teaches using properties that have already been sold.

In regards to appellant's interpretation of the meaning of the teachings of Lough on page 5 paragraph 1 of appellant's reply; the examiner disagrees with the appellant's

definition and notes that the discussion of the data being input does not limit the data searched to only houses that are not sold.

#### **IV Still no motivation to combine**

Appellant argues once again the meaning of comparables in Lough. The examiner directs appellant's attention to the discussion above.

#### **V Features Recited by the pending claims.**

Appellant states that the examiner is reading the term "redemption" out of the pending claims. The examiner disagrees and directs the appellant's attention to the final rejection, which clearly addresses the issue of redemption. The examiner further agrees with appellant's definition of "redemption" provided on page 23, para 1 of appellant's appeal brief filed dated 3/9/2006. The examiner further believes that ample discussion on how the properties available in the MLS include both properties that have sold as well as properties that are available have been provided (see for example discussion above).

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

Art Unit: 3625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

Alexandria, Va. 22313-1450

or faxed to:

**571-273-8300**

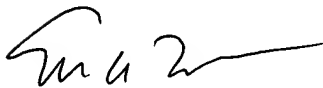
[Official communications; including  
After Final communications labeled  
"Box AF"]

For general questions the receptionist can be reached at  
**571.272.3600**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Fadok

Primary Examiner